

S. LANE TUCKER
United States Attorney

JACK S. SCHMIDT
Assistant United States Attorney
AMANDA L. GAVELEK
Special Assistant United States Attorney
Federal Building & U.S. Courthouse
709 West 9th Street, Room 937
Post Office Box 21627
Juneau, Alaska 99802
Phone: (907) 796-0400
Fax: (907) 796-0409
Email: Jack.Schmidt@usdoj.gov
Emails: Amanda.Gavelek@usdoj.gov; Amanda.L.Gavelek2@uscg.mil

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 1:23-cr-00001-TMB-MMS
)	
Plaintiff,)	
)	
v.)	
)	
MARIAN TILLION BECK,)	
)	
Defendant.)	
)	

**OPPOSED MOTION FOR DEFENDANT'S TELEPHONIC OR VIRTUAL
APPEARANCE AT COMBINED CHANGE OF PLEA AND IMPOSITION OF
SENTENCE HEARING IN ALASKA**

COMES NOW the United States of America, by and through undersigned counsel, hereby opposes the defendant's request for BECK to appear telephonically or by video

teleconference, and requests that BECK appear in person for her combined Change of Plea/ Sentencing Hearing set for November 8, 2023, at 10:00 A.M. in Anchorage, Alaska.

A grand jury returned an indictment against the defendant for violations of 18 U.S.C. § 32(a)(8), Attempted Destruction of an Aircraft, and 46 U.S.C. § 2302(b), Gross Negligent Operation of a vessel, a felony and a misdemeanor charge, respectively. Federal Rule of Criminal Procedure 43(a) requires the defendant's presence at "every" phase of trial proceedings, including sentencing. Id. Federal Rule of Criminal Procedure 43(b) does permit the defendant to appear virtually for sentencing, however in addition to the defendant's consent, it is at the Court's discretion. Id.

While the government recognizes that the defendant in this case has agreed to enter a guilty plea as to the misdemeanor offense, the felony charge against the defendant will remain until the terms of the plea agreement have been satisfied.

The government objects to the defendant's virtual appearance for several reasons. First, she has never appeared in person to date for any of the previous court hearings, and the change of plea and sentencing is the most important phase of trial. Second, the defendant currently lives in Halibut Cove, AK, and she was well aware of the date of this hearing prior to her departure. The government asserts that she should have made her winter travel arrangements to Hawai'i after the conclusion of her case – a case in which there is potential incarceration. Finally, the defendant owns the company that operates the Stormbird ferry. It is conceivable that she could have had adequate transportation to attend her change of plea and sentencing hearing in Anchorage, AK coming from Halibut

Cove, AK versus making the transpacific trip to Hawai'i *prior* to the conclusion of her case, or *prior* to obtaining the court's permission to do so.

As such, due to the seriousness of the charged offenses and pursuant to this court's discretion, the government respectfully requests the defendant's motion to appear telephonically or by video teleconference for the combined Change of Plea/ Sentencing Hearing set for November 8, 2023, at 10:00 A.M. in Anchorage, Alaska, be denied and order the defendant to appear in person or to remand herself and be transported to the District of Alaska.

RESPECTFULLY SUBMITTED on October 31, 2023, in Juneau, Alaska.

S. LANE TUCKER
United States Attorney

s/ Amanda L. Gavelek
AMANDA L. GAVELEK
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2023
a true and correct copy of the foregoing was
served via U.S. Mail and/or electronically
on the following:

All Counsels on Record

s/ Amanda L. Gavelek
Office of the U.S. Attorney

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